IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07/04/2003

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THE HONOURABLE MR.JUSTICE PRABHA SRIDEVAN

W.P.No.10583 of 2003
and
WPMP.No.13379/2003

Dr.Hari Sankar .. Petitioner

-Vs-

The Assistant Engineer
Tamilnadu Electricity
Board,
T.Nagar North,
Thanikachalam St.,
T.Nagar, Chennai. .. Respondent

Writ petition under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondent to provide a separate electricity connection in the name of the petitioner at premises Old No.46, New No.135 Habibullah Road, T.Nagar, Chennai-600 017 upon payment of all the necessary and incidental charges thereto by the petitioner.

For petitioner : Mr.V.Suthakar

For respondent : Mr.G.Vasudevan

:ORDER
Learned counsel for Electricity Board takes notice.
2. This writ petition is for mandamus for providing separate electricity connection. The petitioner is practising doctor and in view of some dispute with landlady, RCOP.No.509/2003 came to be filed. His electricity connection has been cut off by the landlady. Therefore, he seeks separate connection.
3. Learned counsel for the Electricity Board submits that the disconnection has not been done by the Board, but only by the landlady. The learned counsel for the petitioner submits that he has applied for fresh connection and if the Electricity Board insists for No Objection Certificate from the landlady, he will not be able to get it since there is a dispute between them. He also submits that there is no doubt that the petitioner is in legal possession and in proof thereof, he has shown the pendency of the Rental Control Proceedings, which shows that he was inducted as tenant.

4. Rule 603 of Terms and Conditions of Electricity Board provides for contingency when the owner is not available for consent letter and owner refuses to give consent letter. Therefore, the petitioner's application shall be considered by the respondent Board and orders passed thereon within two weeks from the date of receipt of this Order and in accordance with the Terms and Conditions subject to payment of connection charges.
5. Writ petition is disposed of accordingly. No costs. Connected WPMP.No.13379/2003 is closed.

To
The Assistant Engineer
Tamilnadu Electricity
Board,

T.Nagar North,
Thanikachalam St., T.Nagar, Chennai.
PRABHA SRIDEVAN, J.

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